

AMENDED IN SENATE AUGUST 22, 2002

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2386

Introduced by Assembly Member Keeley

February 21, 2002

An act to amend Section 11454 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2386, as amended, Keeley. CalWORKs: aid eligibility: extension.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the CalWORKs program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families.

Existing law requires certain participants in the CalWORKs program to participate in certain welfare-to-work activities. Existing law prohibits a parent or caretaker relative from being eligible to receive aid for a cumulative period of more than 18 months after the individual signs, or refuses, without good cause, to sign a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities for sufficient hours to meet program participation

requirements. Existing law also requires each county to adopt criteria for extending this 18-month limitation for up to 6 months if certain conditions exist.

Existing law also provides that certain parent or caretaker relative recipients who were receiving aid prior to the implementation of enrolling new CalWORKs recipients into the welfare-to-work program shall not be eligible to receive aid under this chapter for a cumulative period of more than 24 months, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities or the United States Department of Labor welfare-to-work grant program community service or work experience activities for sufficient hours to meet participation requirements.

This bill would require that the 18-month ~~limitation~~ and 24-month limitations shall be extended for a maximum period of 12 months in certain exceptional circumstances.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would, instead, provide that the continuous appropriation would not be made for the purpose of funding the above benefit extension.

Because each county is required to pay for a share of the cost of aid grants and the administration of the CalWORKs program, the bill would, by expanding CalWORKs eligibility, create a state-mandated local program.

This bill would incorporate additional changes in Section 11454 of the Welfare and Institutions Code proposed by AB 1959, that would become operative only if AB 1959 and this bill are both chaptered and become effective on or before January 1, 2003, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,



reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11454 of the Welfare and Institutions
2 Code is amended to read:
3 11454. (a) (1) Except as otherwise provided in this chapter
4 and in paragraph (2), a parent or caretaker relative shall not be
5 eligible to receive aid for a cumulative period of more than 18
6 months after the individual signs, or refuses, without good cause,
7 to sign a welfare-to-work plan, unless it is certified by the county
8 that there is no job currently available for the recipient and the
9 recipient participates in community service activities, pursuant to
10 Section 11322.9, or the United States Department of Labor
11 welfare-to-work grant program community service or work
12 experience activities pursuant to Section 403(a)(5)(C)(i) of the
13 Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for sufficient
14 hours to meet the participation requirements of Section 11322.8.
15 (2) A parent or caretaker relative recipient who is subject to the
16 requirements of paragraph (2) of subdivision (c) of Section 10532
17 shall not be eligible to receive aid under this chapter for a
18 cumulative period of more than 24 months, unless it is certified by
19 the county that there is no job currently available for the recipient
20 and the recipient participates in community service activities
21 pursuant to Section 11322.9, or the United States Department of
22 Labor welfare-to-work grant program community service or work
23 experience activities pursuant to Section 403(a)(5)(C)(i) of the
24 Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for sufficient
25 hours to meet the participation requirements of Section 11322.8.
26 (3) For purposes of this subdivision, a job shall not be
27 considered to be currently available if a recipient has taken and
28 continues to take all steps to apply for appropriate positions and
29 has not refused an offer of employment without good cause.
30 (4) A parent or caretaker relative recipient to whom paragraph
31 (1) or (2) applies, who is in a job for less than the number of hours
32 required by Section 11322.8, and for whom no job is currently
33 available for the required number of hours, shall remain eligible

1 for aid under this chapter and shall participate in community
2 service activities or the United States Department of Labor
3 welfare-to-work grant program community service or work
4 experience activities pursuant to Section 403(a)(5)(C)(i) of the
5 Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for the
6 additional number of hours necessary to meet the requirements of
7 Section 11322.8.

8 (b) A parent or caretaker relative shall not be eligible for aid
9 under this chapter when he or she has received aid under this
10 chapter or from any state under the Temporary Assistance for
11 Needy Families program (Part A (commencing with Section 401)
12 of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601
13 et seq.) for a cumulative total of 60 months.

14 (c) No month in which aid has been received prior to January
15 1, 1998, shall be taken into consideration in computing the
16 18-month, 24-month, or 60-month limitation provided for in
17 subdivision (a) or (b).

18 (d) Each county shall adopt criteria for extending the 18-month
19 limitation prescribed by subdivision (a) for up to six months if the
20 extension is likely to result in unsubsidized employment or if local
21 unemployment rates or other conditions in the local economy are
22 such that employment is not available.

23 (e) Subdivision (b) shall not be applicable when all parent or
24 caretaker relatives of the aided child who are living in the home of
25 the child meet any of the following requirements:

26 (1) They are 60 years of age or older.

27 (2) They meet one of the conditions specified in paragraph (4)
28 or (5) of subdivision (b) of Section 11320.3.

29 (3) They are not included in the assistance unit.

30 (4) They are receiving benefits under Section 12200 or Section
31 12300, State Disability Insurance benefits or Workers'
32 Compensation Temporary Disability Insurance, if the disability
33 significantly impairs the recipient's ability to be regularly
34 employed or participate in welfare-to-work activities.

35 (5) They are incapable of maintaining employment or
36 participating in welfare-to-work activities, as determined by the
37 county, based on the assessment of the individual and the
38 individual has a history of participation and full cooperation in
39 welfare-to-work activities.

(f) Notwithstanding subdivisions (a) and (d), the 18-month ~~limitation and 24-month limitations~~ shall be extended for a maximum period of 12 months for recipients enrolled in educational, vocational, or job training programs that have been approved by the county ~~in any of the following exceptional circumstances:~~

~~(1) The end of the 18- or 24-month period falls in the midst of a school term and additional time is needed to complete the term.~~

~~(2) The individual experienced a personal or family crisis that prevented full-time participation in, or completion of, the educational, vocational, or job training program as would ordinarily be expected.~~

~~(3) The if the nonexempt individual has been diagnosed with or evaluated by a qualified professional as having a physical-~~or mental~~, mental, or emotional condition or learning disability that prevents full-time participation in, or completion of, the educational, vocational, or job training program as would ordinarily be expected of individuals without any of those conditions, despite full-time attendance.~~

~~(4) The recipient is enrolled and making satisfactory progress, in accordance with the academic standards established pursuant to Section 70901 of the Education Code, in a community college program that can be completed within an additional 12 months and that is likely to lead to employment at a wage that meets local self-sufficiency income standards promulgated by the National Economic Development and Law Center and Wider Opportunities for Women.~~

SEC. 2.—

SEC. 2. Section 11454 of the Welfare and Institutions Code is amended to read:

11454. (a) (1) Except as otherwise provided in this chapter and in paragraph (2), a parent or caretaker relative shall not be eligible to receive aid for a cumulative period of more than 18 months after the individual signs, or refuses, without good cause, to sign a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities, pursuant to Section 11322.9, or the United States Department of Labor welfare-to-work grant program community service or work experience activities pursuant to Section 403(a)(5)(C)(i) of the

1 Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for sufficient
2 hours to meet the participation requirements of Section 11322.8.

3 (2) A parent or caretaker relative recipient who is subject to the
4 requirements of paragraph (2) of subdivision (c) of Section 10532
5 shall not be eligible to receive aid under this chapter for a
6 cumulative period of more than 24 months, unless it is certified by
7 the county that there is no job currently available for the recipient
8 and the recipient participates in community service activities
9 pursuant to Section 11322.9, or the United States Department of
10 Labor welfare-to-work grant program community service or work
11 experience activities pursuant to Section 403(a)(5)(C)(i) of the
12 Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for sufficient
13 hours to meet the participation requirements of Section 11322.8.

14 (3) For purposes of this subdivision, a job shall not be
15 considered to be currently available if a recipient has taken and
16 continues to take all steps to apply for appropriate positions and
17 has not refused an offer of employment without good cause.

18 (4) A parent or caretaker relative recipient to whom paragraph
19 (1) or (2) applies, who is in a job for less than the number of hours
20 required by Section 11322.8, and for whom no job is currently
21 available for the required number of hours, shall remain eligible
22 for aid under this chapter and shall participate in community
23 service activities or the United States Department of Labor
24 welfare-to-work grant program community service or work
25 experience activities pursuant to Section 403(a)(5)(C)(i) of the
26 Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for the
27 additional number of hours necessary to meet the requirements of
28 Section 11322.8.

29 (5) (A) *Notwithstanding paragraph (1), a parent or caretaker*
30 *relative who signs a welfare-to-work plan that consist of a training*
31 *program for registered nurses that has been approved by the Board*
32 *of Registered Nursing shall be eligible to receive aid under*
33 *subdivision (a) of Section 11454 for a cumulative period of not*
34 *more than 48 months after the individual signs the welfare-to-work*
35 *plan, provided that enrollment in the training program is*
36 *continuous, unless the county certifies that the conditions for*
37 *participation in community service activities set forth in*
38 *paragraph (1) apply.*

39 (B) *Individuals participating under this paragraph who fail or*
40 *refuse to comply with the welfare-to-work plan requirements*

1 *without good cause shall be subject to sanctions pursuant to*
2 *Sections 11327.4 and 11327.5.*

3 *(C) This paragraph shall apply only in the Counties of*
4 *Alameda, San Diego, Santa Clara, and Ventura, and only to the*
5 *extent each of those counties elects to provide aid pursuant to this*
6 *paragraph.*

7 (b) A parent or caretaker relative shall not be eligible for aid
8 under this chapter when he or she has received aid under this
9 chapter or from any state under the Temporary Assistance for
10 Needy Families program (Part A (commencing with Section 401)
11 of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601
12 et seq.) for a cumulative total of 60 months.

13 (c) No month in which aid has been received prior to January
14 1, 1998, shall be taken into consideration in computing the
15 18-month, 24-month, or 60-month limitation provided for in
16 subdivision (a) or (b).

17 (d) Each county shall adopt criteria for extending the 18-month
18 limitation prescribed by subdivision (a) for up to six months if the
19 extension is likely to result in unsubsidized employment or if local
20 unemployment rates or other conditions in the local economy are
21 such that employment is not available.

22 (e) Subdivision (b) shall not be applicable when all parent or
23 caretaker relatives of the aided child who are living in the home of
24 the child meet any of the following requirements:

25 (1) They are 60 years of age or older.

26 (2) They meet one of the conditions specified in paragraph (4)
27 or (5) of subdivision (b) of Section 11320.3.

28 (3) They are not included in the assistance unit.

29 (4) They are receiving benefits under Section 12200 or Section
30 12300, State Disability Insurance benefits or Workers'
31 Compensation Temporary Disability Insurance, if the disability
32 significantly impairs the recipient's ability to be regularly
33 employed or participate in welfare-to-work activities.

34 (5) They are incapable of maintaining employment or
35 participating in welfare-to-work activities, as determined by the
36 county, based on the assessment of the individual and the
37 individual has a history of participation and full cooperation in
38 welfare-to-work activities.

39 *(f) Notwithstanding subdivisions (a) and (d), the 18-month and*
40 *24-month limitations shall be extended for a maximum period of*

1 *12 months for recipients enrolled in educational, vocational, or*
2 *job training programs that have been approved by the county if the*
3 *individual has been diagnosed or evaluated by a qualified*
4 *professional as having a physical, mental, or emotional condition*
5 *or learning disability that prevents full-time participation in, or*
6 *completion of, the educational, vocational, or job training*
7 *program as would ordinarily be expected of individuals without*
8 *any of those conditions, despite full-time attendance.*

9 SEC. 3. No appropriation pursuant to Section 15200 of the
10 Welfare and Institutions Code shall be made for the purpose of
11 funding the benefit extension provided for in subdivision (f) of
12 Section 11454 of the Welfare and Institutions Code.

13 ~~SEC. 3.—~~

14 SEC. 4. No appropriation pursuant to Section 15200 of the
15 Welfare and Institutions Code shall be made for the purpose of
16 funding aid pursuant to paragraph (5) of subdivision (a) of Section
17 11454 of the Welfare and Institutions Code, as amended by Section
18 2. of this act.

19 SEC. 5. Section 2 of this bill incorporates amendments to
20 Section 11454 of the Welfare and Institutions Code proposed by
21 both this bill and AB 1959. It shall only become operative if (1)
22 both bills are enacted and become effective on January 1, 2003, (2)
23 each bill amends Section 11454 of the Welfare and Institutions
24 Code, and (3) this bill is enacted after AB 1959, in which case
25 Section 1 of this bill shall not become operative.

26 SEC. 6. Notwithstanding Section 17610 of the Government
27 Code, if the Commission on State Mandates determines that this
28 act contains costs mandated by the state, reimbursement to local
29 agencies and school districts for those costs shall be made pursuant
30 to Part 7 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the claim for
32 reimbursement does not exceed one million dollars (\$1,000,000),
33 reimbursement shall be made from the State Mandates Claims
34 Fund.